

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>FELIPE FLORES</b>	)	
Claimant	)	
VS.	)	
	)	
<b>NATIONAL BEEF PACKING COMPANY, L.P.</b>	)	Docket No. 210,988
Respondent	)	
AND	)	
	)	
<b>WAUSAU INSURANCE COMPANIES</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant appealed the September 12, 1997, Award entered by Administrative Law Judge Kenneth S. Johnson.

**APPEARANCES**

Claimant appeared by his attorney, Diane F. Barger of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, D. Shane Bangerter of Dodge City, Kansas. There were no other appearances.

**RECORD AND STIPULATIONS**

The Appeals Board considered the record and adopted the stipulations listed in the Administrative Law Judge's Award.

**ISSUES**

The Administrative Law Judge awarded claimant permanent partial disability benefits of 4 percent based on Dr. C. Reiff Brown's permanent functional impairment rating. Claimant contends he is entitled to permanent partial disability benefits of 13 percent based on Dr. Sergio Delgado's permanent functional impairment rating.

In his application for review, claimant also raised average weekly wage as an issue. Claimant, however, in his brief, did not argue this issue. Furthermore, the respondent contends claimant's average weekly wage is \$492.11 which provides claimant with the

maximum weekly compensation rate of \$326. Therefore, the Appeals Board will not address the average weekly wage issue.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the briefs of the parties, the Appeals Board finds as follows:

The Appeals Board finds the Administrative Law Judge's Award sets out findings of fact and conclusions of law that are detailed and supported by the record. The Appeals Board further finds that it is not necessary to repeat those findings and conclusions in this order. Therefore, the Appeals Board adopts the Administrative Law Judge's findings and conclusions as its own as if specifically set forth herein.

The Administrative Law Judge adopted the 4 percent permanent functional impairment rating of claimant's treating physician, Dr. Brown, instead of the 13 percent opinion of claimant's evaluating physician, Dr. Delgado. The Appeals Board agrees that the record supports the Administrative Law Judge's finding and, therefore, affirms the award.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Kenneth S. Johnson dated September 12, 1997, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1998.

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

c: Diane F. Barger, Wichita, KS  
D. Shane Bangerter, Dodge City, KS  
Office of Administrative Law Judge, Garden City, KS

**FELIPE FLORES**

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**DOCKET NO. 210,988**

Philip S. Harness, Director